

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION**

<b>In Re:</b>	)	<b>16-17125</b>
	)	
<b>TIFFANY TROTTER,</b>	)	<b>Chapter 13</b>
	)	
<b>Debtor.</b>	)	<b>Hon. Judge: CLEARY</b>

**NOTICE OF MOTION**

*To the following persons or entities who have been served via electronic mail:*

U.S. Bankruptcy Trustee: [USTPRegion11.ES.ECF@usdoj.gov](mailto:USTPRegion11.ES.ECF@usdoj.gov)

Marilyn O. Marshall, Chapter 13 Trustee: [courtdocs@chi13.com](mailto:courtdocs@chi13.com)

*To the following persons or entities who have been served via U.S. Mail:* See attached list.

PLEASE TAKE NOTICE that on **August 23, 2021**, at **1:30 P.M.**, I will appear before the Honorable Judge **CLEARY**, or any judge sitting in that judge's place, and present the **Motion to Modify Chapter 13 Plan**, a copy of which is attached.

**This motion will be presented and heard electronically using Zoom for Government.** No personal appearance in court is necessary or permitted. To appear and be heard on the motion, you must do the following:

**To appear by video**, use this link: <https://www.zoomgov.com/>. Then enter the meeting ID and password.

**To appear by telephone**, call Zoom for Government at 1-669-254-5252 or 1-646-828- 7666. Then enter the meeting ID and password.

**Meeting ID and password.** The meeting ID for this hearing is **161 122 6457** and the password is **Cleary644**. The meeting ID and password can also be found on the judge's page on the court's web site.

**If you object to this motion** and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without a hearing.

**PROOF OF SERVICE**

The undersigned certifies that copies of this Notice and attachments were served to the listed persons or entities, if service by mail was indicated above, by depositing same in the U.S. Mail at Wheeling, Illinois 60090, on or before July 27, 2021, at 5:30 p.m., with proper postage prepaid, unless a copy was provided electronically by the Bankruptcy Court.

DATE OF SERVICE: July 27, 2021

/s/ Robert C. Bansfield Jr.  
Robert C. Bansfield Jr., A.R.D.C. #6329415

Attorney for the Debtor  
DAVID M. SIEGEL & ASSOCIATES  
790 Chaddick Drive  
Wheeling, IL 60090  
(847) 520-8100  
[rbansfield@davidmsiegel.com](mailto:rbansfield@davidmsiegel.com)

*To the following persons or entities who have been served via U.S. Mail:*

Tiffany Trotter  
1913 Canal St. Apt. 1C  
Blue Island, IL 60406

U.S. Department of Education C/O Nelnet  
121 South 13th Street, Suite 201  
Lincoln, NE 68508

Northern Indiana Public Service Company  
801 E 86th Ave  
Merrillville IN 46410

Quantum3 Group LLC as agent for  
Sadino Funding LLC  
PO Box 788  
Kirkland, WA 98083-0788

City Of Chicago Department of Finance  
c/o Arnold Scott Harris P.C.  
111 W. Jackson Blvd Ste. 600  
Chicago, IL 60604

Cavalry Investments, LLC  
500 Summit Lake Drive, Ste 400  
Valhalla, NY 10595

Premier Bankcard, LLC  
c/o Jefferson Capital Systems LLC  
PO Box 7999  
Saint Cloud, MN 56302-9617

LVNV Funding, LLC its successors and  
assigns as assignee of CitiFinancial, Inc.  
Resurgent Capital Services  
PO Box 10587  
Greenville, SC 29603-0587

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<b>In Re:</b>	)	<b>16-17125</b>
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<b>TIFFANY TROTTER,</b>	)	<b>Chapter 13</b>
	)	
<b>Debtor.</b>	)	<b>Hon. Judge: CLEARY</b>

**MOTION TO MODIFY CHAPTER 13 PLAN**

NOW COMES the Debtor, **Tiffany Trotter**, by and through her attorneys, David M. Siegel & Assoc., LLC, to present this Motion, and in support thereof states as follows:

- 1) This Court has jurisdiction pursuant to 28 U.S.C. § 1334 and Internal Operating Procedure 15(a) of the United States District Court for the Northern District of Illinois Eastern Division.
- 2) Debtor filed a petition for relief under Chapter 13 of Title 11 USC on May 20, 2016. Marilyn O. Marshall was appointed Trustee in this case.
- 3) The current plan requires payments of \$100.00 per month for 28 months and then \$138.00 per month for at least 8 months until General Unsecured Creditors receive at least 10% of their allowed claims.
- 4) The Plan provides in Paragraph 13.2 that “On or before April 20th of the year following the filing of the case and each year thereafter, the Debtor(s) shall submit a copy of the prior year's filed federal tax return to the Chapter 13 Trustee. The Debtor(s) shall also tender the full amount of each year's tax refund, received while the case is pending to the Chapter 13 Trustee. The tax refunds shall be treated as additional payments into the plan and must be submitted within 7 days of receipt of each of such refunds by the debtors. Provided, that this does not preclude debtor from moving the court for permission to use all or part of any

refund for other purposes, such as purchase of an automobile, which is necessary for debtors' employment or other expenditures not in the ordinary course.”

- 5) The Plan was modified on October 1, 2018, to allow the Debtor to retain the first \$1,200.00 of any subsequent refund. *See* Docket #32.
- 6) The Debtor has received a federal tax refund for 2020 in the amount of \$1,836.00. After the \$1,200.00 allowance the Debtor is allowed, there is a remaining turnover obligation of \$636.00.
- 7) The Debtor and her fiancé share a 2016 Chevrolet Cruze. Debtor’s fiancé makes the car payments while Debtor pays for the insurance. While Debtor was driving the vehicle, it was damaged in an accident. As a result of the accident, Debtor must pay a \$1,000.00 deductible for the repairs to the car. *See* Exhibit A.
- 8) The Debtor seeks to modify her Chapter 13 plan pursuant to 11 U.S.C. §1329 to allow her to retain her entire 2020 federal tax refund to pay for these expenses.
- 9) The Debtor seeks this modification of the plan in good faith and with no intent to defraud her creditors.

WHEREFORE, the Debtor, **Tiffany Trotter**, prays that this Honorable Court enter an Order to Modify the Chapter 13 Plan and for other such relief as the Court deems fair and proper.

Respectfully Submitted,

s/ Robert C. Bansfield Jr.

Robert C. Bansfield Jr., A.R.D.C. #6329415

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